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6 *Attorneys for Defendant, Capital One Bank
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7

8 **UNITED STATES DISTRICT COURT**

9 **DISTRICT OF NEVADA**

10 Francis Wooters,

11 Plaintiff,

12 v.

13 Experian Information Solutions, Inc.,
 14 Trans Union, LLC, Innovis Data
 Solutions, Inc., Bank of America,
 15 N.A., Marlette Funding, LLC dba Best
 Egg, Capital One Bank (USA) N.A.,
 First National Bank of Omaha,
 16 JPMorgan Chase Bank, NA., HSBC
 17 Bank USA, N.A. and Synchrony
 18 Financial dba SYNCB/Car Care Pep
 Boys,

19 Defendants.

20 Case No. 2:22-cv-01691-CDS-BNW

21 **STIPULATION TO EXTEND TIME TO
 22 RESPOND TO COMPLAINT**

23 **(FIRST REQUEST)**

24 Pursuant to Local Rules 6-1 and 6-2, defendant Capital One Bank (USA), N.A. (“Capital
 25 One”), and plaintiff Francis Wooters (“Plaintiff”), by and through their counsel of record, hereby
 submit this Stipulation to Extend Capital One’s Time to Respond to Plaintiff’s Complaint, as
 follows:

26 **WHEREAS:**

- 27 1. Plaintiff filed the Complaint in this matter in this Court on October 6, 2022;
 28 2. Capital One was served with the Complaint on October 10, 2022, which provided for

1 a responsive pleading deadline of October 31, 2022;

2 3. The Parties recognize that under LR IA 6-1 stipulations for an extension of time made
3 after the expiration of the responsive pleading deadline will not be granted unless the moving party
4 can demonstrate that the failure to act was the result of excusable neglect. The showing of excusable
5 neglect is as follows:

6 Counsel was first contacted and retained in this matter on October 26, 2022. On October 27,
7 2022, counsel for the undersigned parties agreed to extend Capital One's responsive
8 pleading deadline to allow sufficient time to obtain and review Capital One's internal files
9 pertaining to the allegations in the Complaint and prepare its response. That same day, on
10 October 27, 2022, Capital One circulated a stipulation memorializing this agreement, which
11 was approved by Plaintiff on October 27, 2022 and filed on November 1, 2022. This
12 stipulation is filed in good faith and not intended to cause delay.

13 4. Capital One conferred with counsel for Plaintiff regarding Capital One's initial findings
14 and request for information, which may have an impact on whether an early resolution is available
15 before incurring further litigation costs;

16 5. While the parties continue to discuss, and Capital One continues to research Plaintiff's
17 allegations, the parties agreed to an extension for Capital One to file its response to the Complaint,
18 such that the responsive pleading deadline would be December 1, 2022;

19 6. This is the first extension sought in connection with this deadline;

20 7. This extension is requested to allow the parties time to continue investigating Plaintiff's
21 claims and exploring the potential for an early resolution; and

22 8. Neither Plaintiff nor any other party to this action will be prejudiced by the Court
23 granting Capital One the requested relief. Also, the requested extension is not for the purposes of
24 unnecessary delay.

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27 ///

1 **NOW, THEREFORE, IT IS HEREBY STIPULATED THAT:**

2 Capital One's time to file a responsive pleading to Plaintiff's Complaint is extended. Capital
3 One shall file its responsive pleading on or before December 1, 2022.

4 DATED: November 4, 2022

5 KIND LAW

6 By: /s/ Michael Kind

7 Michael Kind (NSBN 13903)
8 8860 South Maryland Parkway, Ste. 106
9 Las Vegas, Nevada 89123

10 *Attorneys for Plaintiff Shawn Walker*

11 DATED: November 4, 2022

12 MCDONALD CARANO LLP

13 By: /s/ Karyna M. Armstrong

14 Jeff Silvestri (NSBN 5779)
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16 2300 West Sahara Avenue, Ste. 1200
17 Las Vegas, Nevada 89102

18 *Attorneys for Defendant, Capital One
19 Bank (USA), N.A.*

20 IT IS SO ORDERED:

21 

22 UNITED STATES DISTRICT COURT JUDGE

23 DATED: November 7, 2022